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Attorney for Defendant
HECTOR MACIAS-VALENCIA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(San Jose Division)

UNITED STATES OF AMERICA,)	CR 06-00010-RMW
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING RE-SENTENCING
vs.)	AND ORDER
)	
HECTOR MACIAS-VALENCIA,)	
)	
Defendant.)	
_____)	Judge: Hon. Ronald M. Whyte

This case has been remanded to this Court for re-sentencing for the reasons stated in the Ninth Circuit Court of Appeals Memorandum of Decision filed March 4, 2009 in C.A. Case No. 07-10350.

To provide defense counsel sufficient time to meet with the defendant and to prepare for re-sentencing, Defendant Hector Macias-Valencia and the government, by and through their counsel, agree and stipulate that the resentencing hearing shall be set before this Court on November 5, 2009 at 2:00 p.m. The parties agree that they shall file their respective briefs no later than one week in advance of the hearing.

The defendant is in federal custody, and has been transported to the district by the U.S. Marshal.

Both counsel and U.S. Probation Officer Lori Timmons, are available on November 5, 2009. Therefore the parties request the Court to continue the re-sentencing hearing to November 5, 2009 at 2:00 p.m.

IT IS SO STIPULATED:


DATED: September 17, 2009 /S/ Suzanne A. Luban/
SUZANNE A. LUBAN
Attorney for Hector Macias-Valencia

DATED: September 17, 2009 /S/ John N. Glang¹
JOHN N. GLANG
Counsel for Plaintiff

ORDER

Based on the stipulation of the parties, it is hereby ordered that Re-sentencing in the above-entitled case shall be scheduled for Thursday, November 5, 2009, at 2:00 p.m. The parties shall file any sentencing briefs with the Court no later than one week prior to said hearing date.

Dated: 11/4, 2009


RONALD M. WHYTE
U.S. District Judge

¹I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.